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ABSTRACT

With the advent of new technologies, the possibility for providing quality, Internet-based, therapeutic counseling services becomes more attainable and realistic every year. Since the National Board for Certified Counselors announced the adoption of voluntary standards for the practice of Internet-based counseling, a new dimension has been added to the profession. The standards represent focal points and are an effort to recognize most of the pertinent issues involved in delivering counseling services over the Internet. Areas that have been addressed by the Code of Ethics include: (1) how confidentiality of counselor-client communication is maintained in cyberspace; (2) the limits of confidentiality; (3) ways to guard against imposter clients and imposter counselors; (4) counselors practicing via the Internet in states where they are not licensed; and (5) how misunderstanding can occur in counseling without the presence of visual clues. It is important for practitioners to stay current with the evolution of Internet counseling and to prepare the next generation of counselors for the ethical obligations, legal considerations, and methodologies of this means of counseling. (Contains 26 references.) (JDM)

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Ethical Considerations For Internet Counseling

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Abstract: This paper is dedicated to a thorough review and examination of the issues surrounding the ethical considerations of Internet counseling. Also, it will examine critically implications based upon the current ethics and technology literature.

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Introduction

With the Internet offering such a rich and vibrant platform from which to explore and launch new methods of mental health care delivery exciting possibilities are now beginning to emerge. However, the notion of performing "counseling" within the confines of the "Virtual World" seems contradictory to our counselor training. But, with the advent of new technologies developing at unprecedented rates, the possibility for providing quality, Internet-based, therapeutic counseling services becomes more attainable and realistic with each passing year.

Charp (2000) writes that it is estimated that nearly half of all American households are connected to the Internet each hour, with Wright (2000) reporting that the average Internet user now spends 7.6 hours online per week. Charp further indicates that by the year 2006 conservative predictions suggest that there will be over 900 million Internet users worldwide with growth exceeding 30% per year.

There are few today who would disagree with the notion that, given the present state of technology, there are inherent limitations to Internet counseling. Sussman (1998) indicates that there are basically three Internet delivery methods currently

employed by online counselors. These include e-mail, text-based chat, and video with streaming audio and video offering the most promise for the future.

According to Levy (1999):

> *"There's no turning back. Once a novelty, the Internet is now transforming how Americans live, think, talk and love; how we go to school, make money, see the doctor, and elect presidents. This isn't just about the future-It's about the here and now."*

The Internet is most certainly changing our world and, in response to a computer-literate society, the profession of counseling has an important societal obligation to meet the ever-changing needs and demands of the public it serves. If our profession is to rise to the technological challenges of the age and fully embrace the associated opportunities the practice of Internet counseling uniquely offers, then the issue of ethics should be fully explored and considered a paramount and central concern. Therefore this paper is dedicated to a thorough review and examination of the issues surrounding the ethical considerations of Internet counseling and will critically examine implications based upon the current ethics and technology literature.

National Board for Certified Counselors

Ever since the NBCC (National Board for Certified Counselors) announced the adoption of voluntary standards for the practice of Internet-based counseling on September 9, 1997 the profession of counseling has been forever altered. "The counseling profession initially questioned how the largest credentialing body could develop standards for something it could not regulate and for which there were so many unknowns (Morrissey, 1997)."

"NBCC Executive Director Thomas Clawson said his organization recognized that WebCounseling was controversial and was prepared for the initial negative reaction. According to Clawson, the reason why NBCC pursued the development of the standards was simple. The board was responding to a need."

> *"NBCC's goal in creating standards for counseling over the Internet is to curtail unprofessional growth of the technique. We could not investigate ethical inquiries without an official position for use. And, to simply say that it is unethical to practice on the Internet is shortsighted in light of the rapid worldwide growth of Internet use" (Morrissey, 1997).*

NBCC states, "The practice of WebCounseling shall be defined as "the practice of professional counseling and information delivery that occurs when client(s) and counselor are in separate or remote locations and utilize electronic means to communicate over the Internet. In addition to following the NBCC Code of Ethics pertaining to the practice of professional counseling, WebCounselors shall:

1. *Review pertinent legal and ethical codes for possible violations emanating from the practice of WebCounseling and supervision.*

2. *2. Inform clients of encryption methods being used to help insure the security of client/counselor/supervisor communications.*

3. *Inform clients if, how, and how long session data are being preserved.*

4. *In situations where it is difficult to verify the identity of WebCounselor or WebClient, take steps to address imposter concerns, such as by using code words, numbers, or graphics.*

5. *When parent/guardian consent is required to provide WebCounseling to minors, verify the identity of the consenting person.*

6. *Follow appropriate procedures regarding the release of information for sharing WebClient information with other electronic sources.*

7. *Carefully consider the extent of self-disclosure presented to the WebClient and provide rationale for WebCounselor's level of disclosure.*

8. *Provide links to web sites of all appropriate certification bodies and licensure boards to facilitate consumer protection.*

9. *Contact NBCC or the WebClient's state or provincial licensing board to obtain the name of at least one Counselor-On-Call within the WebClient's geographical region.*

10. *Discuss with their WebClients procedures for contacting the WebCounselor when he or she is off-line.*

11. *Mention at their web site those presenting problems they believe to be inappropriate for WebCounseling.*

12. *Explain to the client the possibility of technology failure.*

13. *Explain to clients how to cope with potential misunderstandings arising from the lack of visual cues from WebCounselor or WebClient."*

The NBCC web site offers more specific detail on each of the outlined standards. These standards represent an excellent focal point and are an outstanding effort to recognize most of the pertinent issues involved in delivering counseling services over the Internet at the present time.

American Counseling Association

Courtland Lee, past president of the American Counseling Association, offered his point of view and further asked several pertinent questions germane to the topic of Internet counseling. In his April 1998 editorial he writes:

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> *"I think it is important that we prepare for this brave new world of counseling practice and make it as safe, effective, and ethically sound as all other forms of client service delivery. That is why I applaud the National Board for Certified Counselors for developing standards for the ethical practice of webcounseling. It is the issue of ethical cybercounseling that is most challenging. How is the confidentiality of counselor-client communication maintained in cyberspace? What are the limits of confidentiality, both real and electronic? Is it ethical to offer counseling services via the Internet to clients in a state where one is not licensed? How do we guard against imposter clients and imposter counselors on the Web? Are there problems/issues that are inappropriate for cybercounseling? What potential misunderstandings could arise from a lack of visual clues from client or counselor? How will technology failures impact the counseling process? How do you prepare a professional web page to advertise counseling services? Questions such as these underscore the necessity for a set of standards for ethical webcounseling* (Lee, 1998).

In October1999, the American Counseling Association's Governing Council approved the Ethical Standards for Internet On-Line Counseling. The guidelines establish the appropriate standards for the use of electronic communications over the Internet to provide online counseling services and are used in conjunction with the latest *ACA Code of Ethics and Standards of Practice* (ACA, 1999).

This latest set of standards from the ACA, which apply only to members of the American Counseling Association, differ somewhat from the NBCC standards in that the NBCC encouraged providers to inform clients of encryption methods to help ensure the security of client / counselor / supervisor communications, whereas, the standards set forth by the ACA impose a much stricter standard upon online counseling by mandating the encryption of all online communications, with the exception of general web site information. According to Holmes (2000), "They represent the strictest standards yet adopted concerning mental health interactions on the Internet."

Ethical Considerations for Internet Counseling

The Therapeutic Relationship

One of the foremost ethical considerations being debated today is the therapist's ability to foster and maintain a lasting, meaningful therapeutic relationship necessary for work with clients. Those who consider online counseling impractical call the concept of "rapport" into question, with the suggestion that it is not a medium that can replace the face-to-face client/counselor relationship. Moreover, Sussman (1998) suggests that this loss of the immediate dialectical processes impedes the ability of counselors to fully and effectively engage their

personal style within the online environment. However, when considering the advantages and limitations of delivering therapeutic online services the practitioner should fully examine the ramifications of ethics from within both the context of the therapeutic relationship and within the framework of a specific theoretical orientation.

With certain Internet delivery mediums such as e-mail, listservs, and bulletin boards particular therapeutic techniques or processes may not appropriately or adequately translate to the format of online counseling. For example, the process of "here and now" immediacy would obviously not convert soundly within certain online environments when the therapist is deprived of any visual or verbal cues that allow for immediate client feedback. Further it minimizes the ability of the therapist to maintain the client "in the therapeutic moment." However, according to Haas (2000) even with this general lack of immediacy, compensatory clues are typically and frequently interjected within online communications through the use of "emoticons" and acronyms, and can be very helpful tools for clients to utilize in order to more fully describe their feelings and emotional states.

Client Confidentiality

The integrity of client confidentiality in the online environment is a legitimate area of concern that is receiving a great deal of attention in the literature. Limits to confidentiality exist online as much as they do in the real world (Grohol, 1999). Conversely, Gellman (1999) suggests that patient confidentiality is a complete myth, citing that the word "confidential" has virtually no meaning for medical or other personal records. Further Gellman indicates that the best that health privacy rules offer are the guarantee that further erosions of privacy interests will not take place without public awareness and debate.

The bulk of online counseling efforts are accomplished by e-mail communication. In her recent article Irvine (2000) notes that by the end of 1999 there were 335 million e-mailboxes, which represents a 73% increase in just one year.

The verification of the validity and reliability of client contact information such as name, address, telephone number, etc. is another area of great concern. Since anonymity online is a relatively easy feat for most computer users the difficulty posed for the therapist is to confirm client identity. To confidently ensure that all reasonable precautions are taken is difficult, and only recently have certain innovations occurred that now offer more security and safety to the process. One solution being offered to this type of dilemma is the online ***"Virtual Office."***

"Virtual Office" connects the mental health community to a secure online office with client referrals from the general public. Issues addressed include situational distress, problems of everyday living, marriage, divorce, parenting, aging, grief and loss, and addiction/recovery. For the counselor this site offers automated billing, client record maintenance accessible from anywhere at anytime, electronic

filing of health insurance claims, and managed care alerts. It further offers the therapist chat rooms, message boards, and updated professional articles about current issues.

Another site similar in nature is ***Here2Listen.*** This site offers access to registered users and the general public (Haas, 2000). In both cases it is necessary for online practitioners to accomplish a verification check of credentials for registry as an online counselor. The recognized organization conducting counselor credential verification is ***Credential Check***. Here we find therapists who have registered for a credential check and have had their identity and credentials independently verified. This is vital to ensuring that individuals who are providing online therapy services are not misrepresenting themselves, their background or training, their education, licensure status, or other credentials.

Both sites also recognize and adhere to ***HONcode***, the Health on the Net Foundation Code of Conduct that was developed by a group of healthcare professionals concerned about the validity and reliability of medical and health information on the web. The HONcode emblem has quickly gained public recognition and trust as a symbol of adherence to high ethical standards, principles, and codes of ethics.

One of the primary ethical issues raised concerning e-mail communication is the potential for unauthorized access to private communications by Internet Service Provider (ISP) personnel, co-workers, office staff, or family. Solutions offered to this concern include the use of web-based e-mail programs such as Hotmail, Netscape, or Yahoo.

The ACA requirement to secure all electronic communications has evoked a newly designed e-mail site specifically for online counseling professionals called ***ZipLip.*** The services offered at this free site include a password protected e-mail communications program with encryption capabilities. The counselor establishes a working "password" with the client and secured, encrypted e-mail communications are easily opened by only the intended recipient. The program allows the online counselor to select which level of security for each message written in a very user-friendly format.

These new online security measures are further augmented with the release (March, 2000) of the ***Microsoft Explorer High Encryption Package***, which is a 128-bit encryption package. This program now enables high-level e-mail encryption through its web browser Internet Explorer and Microsoft's most common e-mail programs such as Outlook and Outlook Express, and is available for free download.

Digital signatures are yet another method of ensuring e-mail authenticity, and assures the recipient that communication content has not been altered in any way by anyone other than the document originator. This method of authentication is

currently employed when logging on to member-only sites, making credit card purchases, brokerage trading, and voting (Lomangino, 1999). Clearly, the implications for online counseling demonstrate the necessity for this component in an effort to minimize fraud and deceit by online clients, and to provide comprehensive assurances to active online clients that their communications have been not compromised during the transmission process.

According to Maheu (2000) The American Medical Association is working with the Intel Corporation to deploy a new form of digital credential that is designed to protect practitioner and patient privacy and confidentiality when they use the Internet to send and receive medical information.

Informed Consent

In a recent study of web sites offering online counseling completed by Seymour (2000) evaluation results regarding the ethical components of provider web sites were comprised of:

1. Clarity of Services
2. Clarity of Qualifications
3. Clarity of Confidentiality Issues
4. Clarity of Risks and Referral Paths
5. Clarity of Fees
6. Proof of Authenticity
7. Overall accessibility of information within the site.

These sites were reviewed for their ethical site development and depth of content, with results indicating that few of the ethical elements included in the evaluation were addressed thoroughly on these practitioner's web sites. Overall, the typical user would probably be left with many unanswered questions about most of the therapists and their services, even after exploring their web sites at length. Several of the sites were quite thorough in addressing one or two issues, fees in particular, but what was most striking was how many issues were addressed minimally or not at all.

Ethical Practice Across State Lines

Different states have different rules pertaining to the practice of Internet counseling across state lines. Therefore, it is essential for the practitioner to know and understand the board rules and ethical standards in the states they intend to perform Internet counseling. According to Hamilton (1999):

> *"Therapists who counsel people online may be playing Russian roulette with their licenses and insurance. Most mental-health professionals are licensed only by the state in which they practice; counseling an online patient who resides elsewhere might be construed as practicing without a*

license. And while malpractice insurance providers don't specifically ban online therapy, their coverage is contingent on adherence to state licensing laws." (Time, May 24, 1999).

The question of whether the practice of online counseling is both legal and ethical when considering the implications of state licensure has until very recently been both vague and ambiguous in the State of Texas. Texas Licensed Professional Counselors Board (TLPCB) officials have addressed and clarified the TLPCB Rules and effected certain changes. In a personal communication with the TLPCB regarding the board position and rules pertaining to online counseling practice, Program Supervisor, Bobbe Alexander shared:

"One can do electronic counseling but it cannot be the main source of counseling. Basically, one must have already developed a counselor/client relationship with the client face-to-face before they may begin counseling long-distance. All other Board rules apply. The problem with Internet counseling is that it cannot be regulated and there is really no way of knowing what state each one is in and that part is not addressed in our rules." (Bobbe Alexander, personal communication, March 28, 2000).

Clearly, the Internet reaches a broad range of people from a worldwide base and regulation of practice is still not possible. Meanwhile, the Texas Counselor Association Government Relations Coordinator, Cindy Ashby, shared this correspondence concerning the topic:

"The Texas State Board of Examiners of Professional Counselors reviewed the current rules governing all aspects of LPC licensure and practice. As part of this rule review, a section was changed to read: "Telepractice (interactive long distance counseling delivery, where the client resides in one location and the counselor in another) may be used as a part of the therapeutic counseling process. Counselors engaging in Telepractice must adhere to each provision of this chapter." The new rule is located in the Code of Ethics. This new rule also removed the prohibition against counseling by electronic means. So, essentially online counseling is legal in Texas, however there are always concerns about the effectiveness of such a method. TCA endorsed the LPC Board Rules, and that is essentially the official policy or statement regarding online counseling for TCA" (C. Ashby, personal communication, February 24, 2000).

Electronic Medical Records

Electronic case notes, e-mail communications, treatment information, and video archived materials all present a unique common difficulty. According to Holmes (1998) the increasing movement toward electronic medical records will also fuel

the need for electronic privacy with professional organizations likely addressing it in more detail as government regulations continue to evolve in this area of growth.

As actual archival information of full-transcript treatment progress is stored, the question brought to bear is, "Who possesses control of the medical record, the client or the counselor?" In some states like New York the treatment records are the property of the therapist and not the client; while in Texas the opposite holds true. When viewed in the context of ever-increasing malpractice claims a full-transcript approach might prove detrimental to the therapist. Polauf (1999) states:

> *"The e-mail is a medical record of treatment information, among other things. In other states clients may have access to the entire record. But the larger issue is one of control. The therapist maintains control of written records unless the client takes actions to obtain copies. In e-mail therapy the client is given a treatment record under passive means. The client may be unaware of the transcript that accumulates or simply lacks the wherewithal to maintain control over who has access to the information."*

Suicide & Homicide

Suicidal persons can use the Internet for assistance, but face-to-face help probably also is required. Few Internet counselors would be comfortable working with suicidal clients by e-mail (Holmes, 1997). Under the ethical standards outlined by the NBCC counselors should have counselor resources handily available in their client's geographic area and ready for referral. Suicidal thoughts and actions generate some special difficulties within the online world.

The essay ***Suicidal Ideation in Virtual Support Groups***, by King (1995) describes the impact of a threatened suicide within an online support group of recovering substance abusers. Another site offered for those in immediate crisis is ***Suicide…Read This First***, an online self-help location dedicated to providing the suicidal client a sense of hope and optimism. According to Holmes (1997), an attempt must be made to notify someone who might be in a position to prevent a person from taking his or her own life. This is possible only to the extent that identifying information has been adequately and properly supplied.

Holmes further indicates that homicidal threats are a less frequent occurrence in this setting and several courts have ruled that mental health professionals have a duty to protect someone who has been threatened by warning them of the threat. Other states such as Texas have held differently and it is essential for practitioners to know what the laws are in their respective state (Holmes 1997).

Future Outlook

When considering the ethical barriers to effective Internet counseling many of them are largely due to the lack of traditional interactivity normally exchanged between the client and the counselor in the face-to-face office arrangement. The use of asynchronous technologies lend themselves to the lack of visual cues and further lack the ability to effectively facilitate verbal communication in a real-time, synchronous mode. According to Weil (1996) videoconferencing may remove many of these barriers.

> *"It is clear to me that even with the top-of-the-line equipment, images coming through a camera do not create the same "feel" of sitting in a room together. In fact, videoconferencing brings to the table its own unique features to address and resolve. Once videoconferencing capabilities are built into all computers, these issues will need to be explored further."*

Videoconferencing is in general, by today's standards, a slow, choppy, grainy proposition that requires a great deal of time, investment, patience, and a solid back-up system. The end result can sometimes be a fantastic product but more often than not, our worst nightmare depending upon the technologies we are capable of employing. With the advent of dedicated Cable lines, DSL, and ISDN systems, quality Internet counseling through the medium of videoconferencing becomes a bit more of a user-friendly platform.

Conclusion

The questions posed earlier by Courtland Lee in his April 1998 article:

> *How is the confidentiality of counselor-client communication maintained in cyberspace?*
>
> *What are the limits of confidentiality, both real and electronic?*
>
> *Is it ethical to offer counseling services via the Internet to clients in a state where one is not licensed?*
>
> *How do we guard against imposter clients and imposter counselors on the Web?*
>
> *Are there problems/issues that are inappropriate for cybercounseling?*
>
> *What potential misunderstandings could arise from a lack of visual clues from client or counselor?*

How will technology failures impact the counseling process?

How do you prepare a professional web page to advertise counseling services?

have all since been addressed, but yet not always to complete satisfaction. There still remain many unanswered questions regarding ethical considerations within the realm of Internet counseling, and as this new territory is explored further, more ethical concerns will naturally evolve.

It is fascinating to watch this efflorescence transpire, and ever more important for practitioners to stay current with the evolution of Internet counseling as there further remains an incumbent ethical obligation among counselor educators to appropriately explore, expose, train, and prepare the next generation of counselors to this medium. Although these students may never engage in the practice of Internet counseling, all practitioners should possess an awareness of the processes, methodologies, ethical, and legal considerations of Internet counseling.

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